

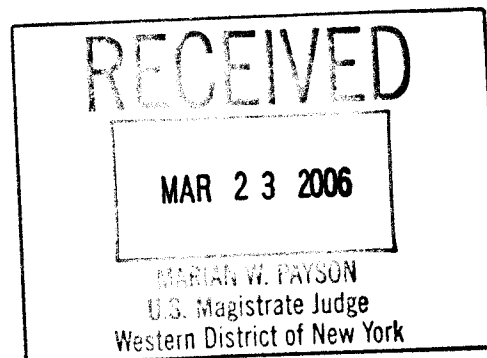
**Dolin, Thomas & Solomon LLP**  
THE EMPLOYMENT ATTORNEYS

March 23, 2006

VIA FACSIMILE & U.S. MAIL

Honorable Marian W. Payson  
United States Magistrate Judge  
United States District Court  
Western District of New York  
2120 U.S. Courthouse  
Rochester, New York 14614

Re: Whalen v. JPMorgan Chase Bank  
Civil Action No.: 01-CV-6492



Dear Judge Payson:

I write to request that Plaintiffs' Motion to Compel filed on April 21, 2005 in the above-referenced matter be withdrawn without prejudice. The parties had anticipated reaching a stipulation resolving the issues in the motion by this date. However plaintiff received the defendant's proposed stipulation today and has not had a chance to review it. If the parties cannot reach a satisfactory resolution by stipulation, the plaintiff would then renew his motion.

Thank you for your courtesies in this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read "J. Nelson Thomas".

J. Nelson Thomas

JNT/cab

cc: Samuel Shaulson, Esq.